

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No.: 1:05 CR 44-16
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	
KEVIN TRAYLOR,	)	
	)	
Defendant	)	<u>ORDER</u>

Currently pending before the court is Defendant Kevin Traylor's Motion to Have the Government Make a Pretrial Showing that he Participated in the Alleged Conspiracy After His Eighteenth Birthday (ECF No. 233). For the reasons stated below, the Motion is denied.

*United States v. Maddox*, 994 F.2d 1223 (6th Cir. 1991) does not require such a pretrial showing. The required threshold showing by the Government that a defendant who joined a conspiracy before his 18<sup>th</sup> birthday ratified his membership in the conspiracy after his 18th birthday can be based on a showing made at trial. *United States v. Gjonaj*, 861 F.2d 143, 144 (6th Cir. 1988). The court finds the holding and the reasoning of *United States v. Welch*, 15 F.3d 1202, 1209 (1st Cir. 1993) to be especially persuasive.

Therefore, Defendant Kevin Traylor's Motion (ECF No. 233) is denied.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

December 6, 2005